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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,490	07/19/2001	Tamir Tassa	5079P013	2330

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EXAMINER

LE, VU

ART UNIT PAPER NUMBER

2613

DATE MAILED: 07/19/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,490

Applicant(s)

TASSA, TAMIR

Examiner

Vu Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-64 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The use of the trademark "CNN" and "NBC" (p. 8) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hang, US 5,115,309.

Re claim 1, Hang discloses a method for allocating media unit sequences among a plurality of output channels (fig. 1, Summary Of The Invention, note: in fig. 1, video

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coders 1, 2, ..., N not only encode, but also serve as a plurality of output channels for outputting compressed data streams), the method comprising the steps of:

generating previous media unit sequence behavior pattern information (col. 5, line 60 to col. 6, line 9, in this segment, "image characteristic parameter" represents behavior pattern information, also see col. 7, lines 14-36, in this segment, the prior history of the complexity of each sub-image represents behavior pattern information);

estimating at least one aspect of a predicted overflow in at least two output channels, in response to (a) at least a portion of the previous media unit sequence behavior pattern information, and (b) at least two potential allocations of media unit sequences (col. 6, line 11 to col. 7, line 62, in this segment, channel sharing factors represent a predicted overflow of the channels, and the channel sharing factors each represents potential allocation for each video coder/output channel); and

selecting a selected allocation out of the at least two potential allocations in response to the at least one aspect of the predicted overflow (col. 7, lines 37-62, in this segment, selectively modifying a channel sharing factor in accordance to image complexity such that buffer overflow is prevented reads on what is claimed).

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoenblum et al., US 6,240,103.

Re claim 1, Schoenblum discloses a method for allocating media unit sequences among a plurality of output channels (figs. 3-4, Abstract, note: in figs. 3-4, a plurality of output channels is served by "84(i)"), the method comprising the steps of:

generating previous media unit sequence behavior pattern information (96, col. 6, lines 48-52, in this segment, the bitstream analyzer generates timing and picture size information, i.e. behavior pattern information, of incoming picture in the bit stream based on previous picture(s) of said bit stream);

estimating at least one aspect of a predicted overflow in at least two output channels, in response to (a) at least a portion of the previous media unit sequence behavior pattern information, and (b) at least two potential allocations of media unit sequences (col. 6, lines 35-47, col. 8, lines 8-36, in these segments, the VBV uses the timing and picture size information to determine the range of rates for each of the output channels "84(i)" in conjunction with the central controller "102" to ensure buffer over/underflow. It is noted that the range of rates are based on hypothetical or predictive model); and

selecting a selected allocation out of the at least two potential allocations in response to the at least one aspect of the predicted overflow (col. 7, lines 30-37, in this segment, the switch 104 serves as selecting a selected allocation as claimed).

Re claim 2, the method of claim 1 wherein the step of selecting comprising selecting a selected allocation that optimizes the at least one aspect of the predicted

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overflow (col. 6, lines 28-47, in this segment, the VBV model is for optimization of the predicted buffer overflow).

Re claim 3, the method of claim 1 wherein the previous media unit sequence behavior pattern information reflects a size of at least one media unit sequence during at least one previous time period. Claim 3 has been analyzed and rejected in view of claim 1 above.

Re claim 4, the method of claim 1 wherein the previous media unit sequence behavior pattern information reflects changes in the size of at least one media unit sequence during at least one previous time period. Claim 4 has been analyzed and rejected in view of claim 1 above.

Re claim 5, the method of claim 1 wherein the previous media unit sequence behavior pattern information reflects an average size of at least one media unit sequence during at least one previous time period (fig. 5, see col. 11, lines 8-67).

Re claim 6, the method of claim 1 wherein the previous media unit sequence behavior pattern information reflects a maximal size of at least one media unit sequence during at least one previous time period (fig. 5, see col. 11, lines 8-67).

Allowable Subject Matter

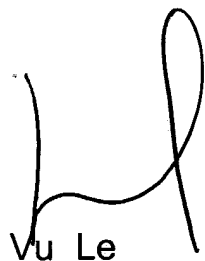
5. Claims 7-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is 703-308-6613. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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